

## **REMARKS/ARGUMENTS**

Claims 1-4, 6-11 and 13 are pending herein. Claim 1 has been amended as supported by page 3, lines 28-30, page 4, lines 1-7, page 9, lines 20-31 and Figs. 1 and 2, for example. Claims 2-4, 6 and 9 have been amended in light of the amendments made to claim 1. Claims 5 and 12 have been cancelled without prejudice or disclaimer.

1. The rejection of claim 12 under §112, first paragraph is noted, but deemed moot in view of the cancellation of claim 12.
2. Claims 1, 5, 6 and 8 were rejected under §102(b) and claims 7 and 12 were rejected under §103(a) over Waterbury. To the extent that these rejections may be applied against the amended claims, they are respectfully traversed.

Claim 1 recites a device for analyzing the physicochemical properties of a cutaneous surface. Claim 1 has been amended to clarify that the device comprises a handheld mobile component and an acquisition region located along a single side of the handheld mobile component. The acquisition region is sized to cover a cutaneous surface to be analyzed, and at least three physicochemical sensors are grouped and located within the handheld mobile component and directed toward to the acquisition region.

Waterbury discloses, in Figs. 1 and 2, a watch-like device having a radiation sensor 19 located on one surface of the watch directed away from a user and a physiological body variable sensor 22 provided on an opposite surface of the watch directed toward a user. In other words, Waterbury discloses that each of the two disclosed sensors are directed to separate acquisition regions, one on a front surface of the watch and one on an opposite surface of the watch. Accordingly, Waterbury

discloses the placement of only one sensor directed toward each acquisition region and discloses the presence of only two sensors in total.

For at least the foregoing reasons, Waterbury fails to disclose or suggest a device comprising an acquisition region located along a single side of a handheld mobile component and at least three physicochemical sensors grouped and located within the handheld mobile component and directed toward the acquisition region, as recited in claim 1. Since claims 6-8 depend directly from claim 1, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejections are respectfully requested.

3. Claims 1-3, 8 and 9 were rejected under §102(b) and claims 7, 12 and 13 were rejected under §103(a) over Yamazaki. To the extent that these rejections may be applied against the amended claims, they are respectfully traversed.

Yamazaki discloses, in Fig. 1 and column 2, lines 33-34, an automatic system including various measuring apparatuses (1) to (7) that are used “as occasion calls.” Yamazaki describes the function of each device in column 3, line 36 -- column 4, line 17. There is no disclosure or suggestion in Yamazaki that these individual devices are grouped together and located in a single acquisition region located along a single side of a handheld mobile component. To the contrary, it appears that an individual measuring apparatus of Yamazaki is used separately from other apparatuses.

For at least the foregoing reason, Yamazaki fails to disclose or suggest a device comprising an acquisition region located along a single side of a handheld mobile component, the acquisition region being sized to cover a cutaneous surface to be analyzed and at least three physicochemical sensors grouped and located within the handheld mobile component and directed toward the acquisition region, as recited in claim 1. Since claims 2, 3, 7-9 and 13 depend either directly or indirectly from claim 1, those claims are also believed to be allowable over the applied prior art.

Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

4. Claim 4 was rejected under §103(a) over Yamazaki in view of Haddock. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from Yamazaki. Since Haddock does not overcome the deficiencies of Yamazaki, and since claim 4 depends directly from claim 1, claim 4 is also believed to be allowable over the applied prior art.

5. Claim 4 was rejected under §103(a) over Waterbury in view of Haddock. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from Waterbury. Since Haddock does not overcome the deficiencies of Waterbury and since claim 4 depends directly from claim 1, claim 4 is also believed to be allowable over the applied prior art.

6. Claims 10 and 11 were rejected under §103(a) over Yamazaki in view of Ouellette. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from Yamazaki. Since Ouellette does not overcome the deficiencies of Yamazaki, and since claims 10 and 11 depend directly from claim 1, those claims are also believed to be allowable over the applied prior art.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, the Examiner is requested to issue a Notice of Allowance for this application in due course.


If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

April 23, 2007

Date



Stephen P. Burr

Reg. No. 32,970

Timothy D. Evans

Reg. No. 50,797

SPB/TE/tlp

BURR & BROWN

P.O. Box 7068

Syracuse, NY 13261-7068

Customer No.: 025191

Telephone: (315) 233-8300

Facsimile: (315) 233-8320